

On December 26, 2018, Plaintiff filed his Response to Defendants' Motion to Dismiss or Quash (Doc. 8).

Defendants filed a reply on December 27, 2018 (Doc. 9), in which they indicated their Motion to Dismiss or Quash may become moot and requested that the Court postpone ruling on that Motion until Plaintiff presents evidence of proper service.

The instant motion by Defendant Howell (Doc. 10) was filed on January 15, 2019 and requests an extension of time to respond to Plaintiff's Complaint. That motion, though, does not reference Defendants' pending Motion to Dismiss or Quash.

Thus, from the record, it appears that the issues raised by Defendants' Motion to Dismiss or Quash may now be moot, either in whole or in part.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff is **DIRECTED** to file, within ten (10) days of the entry of this Order, proof of service upon Defendants pursuant to Rule 4(l) of the Federal Rules of Civil Procedure;
2. Defendants are **DIRECTED** to file within ten (10) days of the entry of this Order, a notice advising whether Defendants' Motion to Dismiss or Quash (Doc. 2) has been rendered moot in whole or in part; and,
3. A ruling on Defendant Howell's Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint (Doc. 10) is hereby **DEFERRED** pending a determination of the status of Defendant's Motion to Dismiss or Quash.

Signed: January 16, 2019



W. Carleton Metcalf
United States Magistrate Judge

